

## **REMARKS**

In the Final Rejection, claims 1, 3, 8, 14, 16 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Born et al., in view of an excerpt from a textbook by Gregory A. Baxes, and in view of Brunner et al. published application and further in view of Kuth et al.

The above rejection, as well as Applicants' response thereto, as summarized below, were discussed in an interview courteously afforded the undersigned representative of the Applicants on September 6, 2007.

As discussed at the interview, this rejection was substituted for the primary rejection that was made in the previous Office Action, in view of the claim amendments that were made stating that the image recording device acquires an empty image of the patient bed with no patient thereon (as well as an actual image of the bed with the patient thereon) and the empty image is subtracted from the actual image to obtain a subtraction image, that is displayed on a display screen. This subtraction image is then automatically processed in a computer to detect a body region of the patient, and then a suggested scan area in the displayed subtraction image is automatically displayed that covers the aforementioned body region.

In Applicants' previous response, Applicants argued that the Born et al. reference (nor the Kuth et al. reference that was relied on together with the Born et al. reference in the previous rejection) does not disclose obtaining a subtraction image by subtracting an empty image of the patient bed from the image of a patient on the patient bed. In the Final Rejection in the first full paragraph at page 4, the Examiner agreed that the Born et al. reference does not provide such a teaching, but relied on the Baxes reference as providing general information regarding the

technique of subtracting one image from another. The Examiner concluded it would have been obvious to segment the image, as taught by Baxes, before the radiodiagnostic device of Born et al. displays it on a monitor, in order to discriminate between the pixels that form the patient, and the pixels that form the background and the patient bed.

Applicants submit that augmenting the Born et al./Kuth et al. combination that was previously relied on, with the general teachings of Baxes regarding the subtraction technique in image processing, still does not result in the subject matter of either of independent claims 1 and 14 of the present application. Those claims require that a body region be detected by analyzing the subtraction image. Clearly, in order to achieve such a detection, the analysis must make use of recognizable characteristics of human anatomy, such as “known and statistically determined proportions, “ as described at page 9, last line to page 10, first line, of the present specification.

Regardless of whether it is conducted on a subtraction image, the analysis conducted in the Kuth et al. reference is for a completely different purpose, and thus is of a completely different type. It is questionable whether a person of ordinary skill in the field of image processing would even consider the type of review of the image that is undertaken in the Kuth et al. reference to be an image “analysis.” The review of the image that takes place in the Kuth et al. reference is for identifying the position of a marking 18. This of course necessitates the requirement of such a marking being provided at the patient, but this has no reliance whatsoever on human anatomy, much less a detection based on known and statistically determined proportions. In the Kuth et al. reference, it is up to the medical staff or operating

personnel to perform a suitable marking. This is in contrast to the subject matter of the present application, wherein manual interaction is to be avoided as much as possible, as explained at page 3, lines 4-8.

Although the Brunner et al. published application was mentioned in the listing of references in the Final Rejection noted above, there was no identification or detailed discussion of the manner by which the Examiner is relying on the Brunner et al. reference in the context of the rejection of claims 1, 3, 8, 14, 16 and 21. In the interview, the Examiner confirmed that the Examiner is not relying on the Brunner et al reference.

At the interview, it was agreed that amending independent claims 1 and 14 as proposed at the interview, and as now formally presented herein, would overcome the current rejections. The Examiner stated that such changes, however, would raise a "new issue" requiring further searching or consideration, and thus would not be entered following the final rejection. The present RCE has therefore been filed to permit entry and consideration of these amendments.

In view of the agreements reached at the interview, withdrawal of the current rejections is respectfully requested, as is reconsideration of the application.

Submitted by,

 (Reg. 28,982)

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